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**REGULAR MEETING**  
**CITY COUNCIL**  
**JANUARY 2, 2003**

**ROLL CALL:**

MR. WOJCIK, MR. FOY, MR. JUDGE, MR. DORAN, MRS. WELCOME, MRS. COLLIER  
MR. LaPOSTA, PRESIDENT TUTUNJIAN

**PUBLIC FORUM:** List of Speakers on file

**LOCAL LAW – REFERRED TO PUBLIC HEARING 2/6/03**

**ORDINANCE NO. 1 – TABLED**

**ORDINANCE NO. 2 - TABLED**

**ORDINANCE NO. 3**

**INTRODUCED BY: COUNCIL MEMBER ARMET**

**SECONDED BY: COUNCIL MEMBER LAPOSTA**

**ORDINANCE AMENDING THE CITY'S FY2003 BUDGET TO RECOGNIZE INCREASED REVENUES  
AND APPROPRIATE SAME INTO THE POLICE BUREAU'S OPERATING BUDGET**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The 2003 City budget is herein amended as set forth in Schedule A entitled  
FY2003 Budget Amendment – Child Passenger Safety Program

Which is attached hereto and made a part hereof.

Section 2. This act will take effect immediately.

Approved as to form, December 12, 2002

Patrick T. Morphy, Corporation Counsel

**ORDINANCE NO. 3 PASSED – UNANIMOUS**

**To Mayor, 01/06/03 for Executive Action – Approved, Returned 1/16/03**

SCHEDULE "A" ATTACHED TO MINUTES – SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**ORDINANCE NO. 4**

**INTRODUCED BY: COUNCIL MEMBER ARMET**

**SECONDED BY: COUNCIL MEMBER LAPOSTA**

**ORDINANCE TO AMEND THE FY2003 BUDGET TO RECEIVE FUNDS FROM NEW YORK STATE  
GOVERNOR'S TRAFFIC SAFETY COMMITTEE WITH RESPECT TO THE STEP PROGRAM AND  
APPROPRIATE FUNDS**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The 2003 City budget is herein amended as set forth in Schedule A entitled  
FY2003 General Budget Amendment – Selective Traffic Enforcement Program

which is attached hereto and made a part hereof.

Section 2. This act will take effect immediately.

Approved as to form, December 12, 2002

Patrick T. Morphy, Corporation Counsel

**ORDINANCE NO. 4 PASSED – UNANIMOUS**

**To Mayor, 01/06/03 for Executive Action – Approved, Returned 1/16/03**

SCHEDULE "A" ATTACHED TO MINUTES – SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**ORDINANCE NO. 5**

**INTRODUCED BY: COUNCIL MEMBER WOJCIK**

**SECONDED BY: COUNCIL MEMBER LAPOSTA**

**ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A QUIT CLAIM DEED  
TO PROPERTY FORMERLY OWNED BY THE CITY (23 College Avenue)**

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The City of Troy, in City Council, convened, ordains as follows:

Whereas, in June 1899 the City of Troy conveyed the property at 23 College Avenue, Troy for a term of years, but the part of the deed setting forth the term of years is illegible. Consequently, to clear title, the City has been requested to execute a quit claim deed to the present property owners.

Section 1. The Mayor is hereby authorized and directed execute a quit claim deed to 23 College Avenue in the City of Troy to either William C. McCafferty and Florence L. McCafferty or Rensselaer Polytechnic Institute for no actual consideration.

Section 2. This Ordinance shall take effect immediately.

Approved as to form, December 12, 2002

Patrick T. Morphy, Corporation Counsel

**ORDINANCE NO. 5 PASSED – UNANIMOUS**

**To Mayor, 01/06/03 for Executive Action – Approved, Returned 1/16/03**

**SEE SUPPORT DOCUMENTATION WITH LEGISLATION**

**ORDINANCE NO. 6**

**INTRODUCED BY: COUNCIL MEMBER WOJCIK**

**SECONDED BY: COUNCIL MEMBER LAPOSTA**

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI PROCEEDINGS INSTITUTED BY  
VARIOUS PROPERTY OWNERS LOCATED IN THE CITY OF TROY AND ON THE ASSESSMENT  
ROLL OF THE CITY OF TROY.**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in certain stipulations on file with the office of the Corporation Counsel:

Lonny & Beverly Lanteigne                      90.54-1-8.1

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations shall authorize the City treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the city of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders said tax rolls shall be adjusted accordingly and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form December 13, 2002

Patrick T. Morphy, Corporation Counsel

**ORDINANCE NO. 6 PASSED – AYES 7 NOES 2 (Noes: Judge & Tutunjian)**

**To Mayor, 01/06/03 for Executive Action – Approved, Returned 1/16/03**

**SCHEDULE “A” ATTACHED TO MINUTES – SEE SUPPORT DOCUMENTATION WITH LEGISLATION**

**ORDINANCE NO. 7**

**INTRODUCED BY: COUNCIL MEMBER JUDGE**

**SECONDED BY: COUNCIL MEMBER ARMET**

**ORDINANCE AMENDING THE TROY CODE OF ORDINANCES REGARDING THE NUMBER OF  
DOGS PERMITTED IN A DWELLING UNIT AND THE INSURANCE REQUIREMENT FOR  
PERSONS WITH DANGEROUS DOGS**

The City of Troy, in City Council, convened, ordains, as follows:

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Section 1. A new section 6-34 shall be added as follows:

**Sec. 6-34 Number of Dogs**

- a) No Person or persons shall own, harbor or keep more than three (3) dogs which are more than four months of age in any premises containing three or fewer dwelling units, or more than one dog more than four months of age in any dwelling unit in a premises containing four or more dwelling units, except in pet shops, veterinary hospitals and kennels established in accordance with the Zoning Ordinance.
- b) This section shall not apply to dogs licensed before December 31, 2002, and harbored at a single dwelling unit or premises; provided, however, that this exemption shall apply only to such licensed dogs and only so long as they remain properly licensed, and this exemption shall not allow for replacement of or addition to any such dogs until such time as the replacement or addition will not raise the total number of dogs at a dwelling unit or premises to a number which is in violation of this section.
- c) Nothing in this section shall prevent an owner from further restricting the number of or prohibiting dogs on a premises.

Section 2. Section 6-22 of the Troy Code of Ordinances shall be amended as follows:

**Sec. 6-22 Dangerous dogs.**

I. Definition. As used in this section, "dangerous dogs" shall mean and include:

- (a) Any dog with known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or animals; or
- (b) Any dog which attacks, threatens or endangers a human being or animal without provocation; or
- (c) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any trained for dog fighting.

II. Dangerous Dogs.

- (a) No person owning or harboring or having the care or custody of a dangerous dog shall suffer or permit such dog to go unconfined on the premises of such person. Under this section a dangerous dog is unconfined if such a dog is not securely confined indoors or confined in a securely enclosed and locked pen or a dog run area upon the premises of said person. Such pen or dog run area must also have either sides six (6) feet high or a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one (1) foot.
- (b) No person owning or harboring or having the care of a dangerous dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length.
- (c) No person shall own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to unprovoked attacks upon human beings or domestic animals.
- (d) No person shall possess with the intent to sell, offer for sale, breed or buy or attempt to buy within the city any dangerous dog.
- (e) Any person owning, harboring, or having the care or custody of a dangerous dog shall display a sign on his/her premises warning that there is a dangerous dog on the premises. Said sign shall be visible and capable of being read from the public right-of-way.
- (f) Any person owning, harboring or having care or custody of a dangerous dog shall provide liability insurance in the amount of at least one hundred thousand dollars (\$100,000) covering any damages or injury caused by such dangerous dog.
- (g) Registration. The City Clerk or his/her designee shall require the owner of a dangerous dog to register such dog with the City Clerk. The application for such registration shall contain the name and address of the owner, the breed, age, sex, color and any other identifying marks of the dog, the location where the dog is kept if no the address of the owner and any other information which the City Clerk of his/her designee shall require. The application for registration pursuant to this subsection shall be accompanied by a registration fee of thirty dollars (\$30). Each dog registered pursuant hereto shall be assigned an official registration number by the City Clerk. Such registration number shall be tattooed at the owner's expense in the manner prescribed by the City Clerk. The certificate of registration shall be of such form and design and shall contain such information as the City Clerk shall prescribe and shall be issued to the owner upon payment of the registration fee and presentment of sufficient evidence that the owner has complied with all the orders of the City Clerk as prescribed at the determination hearing.

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III. Enforcement. In the event a law enforcement officer has probable cause to believe that a dangerous dog is being harbored or cared for in violation of subsection II, the law enforcement agent may petition a court of competent jurisdiction to order the seizure and impoundment of the dangerous dog pending trial. In the event that a law enforcement officer has probable cause to believe that a dangerous dog is being harbored or housed in violation of subsection II (b) and (c), the law enforcement officer may seize and impound the dangerous dog pending trial.

IV. Penalty.

- (a) Any person violating this section shall be punished by a mandatory fine. Said fine shall be set at no less than five hundred (\$500.00 dollars and no more than one thousand (\$1,000) or thirty (30) days in jail or both. Each separate offense shall constitute an additional violation.
- (b) Any dangerous dog which attacks a human being or animal may be ordered destroyed
- (c) Any person found guilty of violating this section shall pay all expenses, including shelter, food and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of such dog.

Section 3. Section 19-132(2) of the Troy Code of Ordinances shall be amended by adding a new subsection "m" to read as follows:

Section 19-132 Assessment of Points

(2) The following violations shall be assigned a point value of six (6) points:

- (a) Article 220 of the Penal Law – Controlled Substances Offenses.
- (b) Article 221 of the Penal Law – Offenses Involving Marihuana
- (c) Article 225 of the Penal Law – Gambling Offenses.
- (d) Section 230.00 of the Penal Law – Prostitution Offenses
- (e) Sections 165.40, 165.45, 165.50, 165.52 and 165.54 of the Penal Law – Criminal Possession of Stolen Property.
- (f) Section 123 – Alcoholic Beverage Control Law
- (g) Sections 260.20 and 260.21 of the Penal law – Unlawfully Dealing with a Child.
- (h) Section 263.00 of the Penal Law – Sexual Performance by a Child.
- (i) Section 415-a of the Vehicle and Traffic Law – Vehicle Dismantlers.
- (j) Possession, use, sale, or offer for sale of any alcoholic beverage in violation of Article 18 of the Tax Law, or of any cigarette or tobacco products in violation of Article 18 of the Tax Law, or of any cigarette or tobacco products in violation of Article 20 of the Tax Law.
- (k) Article 158 of the Penal Law – Welfare Fraud.
- (l) Article 178 of the Penal Law – Criminal Diversion of Prescription Medications and Prescriptions.
- (m) Chapter 6 Article II of the Troy Code of Ordinances regarding requirements for owners of dangerous dogs.

Section 4. Section 6-31 of the Troy Code of Ordinances shall be amended to read as follows:

Sec.6-31. Penalties.

Any person who violates or knowingly permits the violation of any section of this article, other than section 6-22, shall be deemed to have committed an offense against this article and subject to a mandatory fine of fifty dollars (\$50.00) or imprisonment for not more than twenty-five (25) days. Each separate offense shall constitute a separate additional violation. This section shall not apply to violations of section 6-22, which provides for penalties therein.

Section 5 This ordinance shall take effect on January 1, 2003.

Approved as to form, January 2, 2003

Patrick T. Morphy, Corporation Counsel

**ORDINANCE NO. 7 PASSED – UNANIMOUS**

**To Mayor, 01/06/03 for Executive Action – Approved, Returned 1/16/03**

**SEE SUPPORT DOCUMENTATION WITH LEGISLATION**

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**ORDINANCE NO. 8**

**INTRODUCED BY: COUNCIL MEMBER WOJCIK**

**SECONDED BY: COUNCIL MEMBER FOY**

**ORDINANCE AMENDING THE FEE FOR OBTAINING A VENDOR'S PERMIT**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. Section 22-20 of the Troy Code of Ordinances shall be amended as follows:

Sec. 22-20 Fees.

(a) At the time of filing of an application for a license pursuant to this article, a fee of twenty dollars (\$20.00) shall be paid to defray the cost of the investigation required by section 22-21.

(b) The fees for a license to engage in or conduct the business of hawking, vending, soliciting and peddling, or of the nature described in this chapter, shall be as follows:

(1) Foot Peddler, seventy-five dollars (\$75.00) per year.

(2) Motor vehicle, food carts or truck peddlers, ~~seventy-five dollars (\$75.00)~~ five hundred dollars (\$500.00) per year when issued for a maximum of one (1) year's duration.

(c) In the event that a license shall be issued for one-half year or for any length of time less than one-half duration, the fees shall be one-half the amount set forth above, and upon the expiration of the duration of time stated in the license, the license shall be thereafter null and void.

Section 2. This ordinance shall take effect immediately.

Approved as to form January 2, 2003

Patrick T. Morphy, Corporation Counsel

**ORDINANCE NO. 8 PASSED – UNANIMOUS**

**To Mayor, 01/06/03 for Executive Action – Approved, Returned 1/16/03**

**SEE SUPPORT DOCUMENTATION WITH LEGISLATION**

**RESOLUTION NO. 1**

**INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN**

**SECONDED BY: COUNCIL MEMBER LAPOSTA**

**RESOLUTION APPOINTING COMMISSIONERS OF DEEDS**

BE IT RESOLVED, that the City Council hereby appoints the following persons Commissioners of Deeds for the City of Troy for a two year term commencing January 3, 2003 through January 2, 2005:

Peter P. Durkee

452 Monroe Street

Deborah Picarillo

463 Sixth Avenue

Patricia Walters

138 New Turnpike Rd./A-3C

Patricia Shufelt

164 Hill Street

Phyllis Raymond

738 Third Ave.

Arlene Cahill

69 Sixth Ave.

Approved as to form, December 13, 2002

Patrick T. Morphy, Corporation Counsel

**RESOLUTION NO. 1 PASSED – UNANIMOUS**

**To Mayor, 01/06/03 for Executive Action – Approved, Returned 1/16/03**

**SEE SUPPORT DOCUMENTATION WITH LEGISLATION**

**RESOLUTION NO. 2**

**INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN**

**SECONDED BY: COUNCIL MEMBER WELCOME**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTACT BETWEEN THE CITY OF TROY AND THE TROY BOYS AND GIRLS CLUB, LANSINGBURGH BOYS AND GIRLS CLUB, AND THE TROY C.Y.O. CENTER**

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WHEREAS, the Troy Boys and Girls Club, Lansingburgh Boys and Girls Club, and the Troy C.Y.O. Center each provide educational, recreational and developmental services to the youth of the City of Troy; and

WHEREAS, the City has appropriated funds in the 2003 City Budget for the continuation of these services for each of these organizations throughout 2003.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is authorized to execute contracts with the Troy Boys and Girls Club, the Lansingburgh Boys and Girls Club and the Troy C.Y.O. Center in a form substantially similar to those attached hereto and made a part hereof, for the purpose of securing educational, recreational and developmental services to the youth of the City from each organization; and

BE IT FURTHER RESOLVED, that this act shall take effect immediately.

Approved as to form, December 13, 2002

Patrick T. Morphy, Corporation Counsel

**RESOLUTION NO. 2 PASSED – UNANIMOUS**

**To Mayor, 01/06/03 for Executive Action – Approved, Returned 1/16/03**

SCHEDULE "A" ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**RESOLUTION NO. 3**

**INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN**

**SECONDED BY: COUNCIL MEMBER JUDGE**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE TROY  
PUBLIC LIBRARY FOR THE PURPOSE OF SECURING FREE LIBRARY SERVICES FOR THE  
PEOPLE OF THE CITY OF TROY**

WHEREAS, the City of Troy and the Troy Public Library contract each year to provide free library services to the people of the City of Troy; and

WHEREAS, the City has appropriated funds in the 2003 City Budget to enable the Troy Public library to continue these services throughout 2003;

NOW THEREFORE, BE IT RESOLVED, that the Mayor, on behalf of the City of Troy, is authorized to execute a contract with the Troy Public Library, in a form substantially similar to the attached, for the purpose of providing free library services for the people of the City of Troy.

Approved as to form December 12, 2002

Patrick T. Morphy, Corporation Counsel

**RESOLUTION NO. 3 PASSED – UNANIMOUS**

**To Mayor, 01/06/03 for Executive Action – Approved, Returned 1/16/03**

SCHEDULE "A" ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**RESOLUTION NO. 4**

**INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN**

**SECONDED BY: COUNCIL MEMBER LAPOSTA**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL CONTRACT BETWEEN  
THE CITY OF TROY AND THE MOHAWK AND HUDSON RIVER HUMANE SOCIETY FOR  
SERVICES RELATED TO INJURED, ABANDONED AND DEAD ANIMALS**

WHEREAS, Section 115 of the Agriculture and Markets Law imposes certain obligations on the City to provide shelter services for stray, sick, injured or unwanted dogs and cats, or dogs and cats ordered confined pursuant to the State Sanitary Code or deceased dogs and cats; and

WHEREAS, Section 118 of the Agriculture and Markets Law provides for the seizure and shelter of dogs by the City under certain circumstances; and

WHEREAS, the City of Troy has relied upon the Mohawk and Hudson River Humane Society for provision of such services for a period in excess of twenty years; and

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WHEREAS, the City and the Humane Society each desire to renew the contract for such services for 2003:

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, on behalf of the City of Troy is herein authorized to execute a contract in a form substantially similar to the attached to secure services that the City is required to provide pursuant to the Agriculture and Markets Law and other State laws, rules and regulations relating to injured, abandoned, dead or confined animals.

Approved as to form, December 12, 2002

Patrick T. Morphy, Corporation Counsel

**RESOLUTION NO. 4 PASSED – UNANIMOUS**

**To Mayor, 01/06/03 for Executive Action – Approved, Returned 1/16/03**

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

**RESOLUTION NO. 5 – WITHDRAWN**

**RESOLUTION NO. 6 – TABLED**

**RESOLUTION NO. 7**

**INTRODUCED BY: COUNCIL MEMBER DORAN**

**SECONDED BY: COUNCIL MEMBER WELCOME**

**RESOLUTION URGING GOLUB CORPORATION TO RELEASE THEIR LEASE AT THE TROY PLAZA**

WHEREAS, the Troy Plaza is a strategically important property located in the Hoosick Street corridor; and

WHEREAS, the Troy Plaza has significant untapped economic potential for development within the City of Troy; and

WHEREAS, The Golub Corporation recently vacated their grocery store located in the Troy Plaza; and

WHEREAS, from the time when the Golub Corporation closed their Troy Plaza store the remaining businesses have suffered a significant reduction in their business; and

WHEREAS, Golub Corporation continues to hold the lease to their store, and to date, has refused to permit the owners of the Troy Plaza to re-lease the space to another tenant; and

WHEREAS, this dispute threatens the existence of the Troy Plaza as a viable economic entity;

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Troy herein expresses its interest in having the Golub Corporation releasing its lease to enable the Troy Plaza to re-lease the property to a new tenant, thereby bringing and economic boost to the entire plaza; and

BE IT FURTHER RESOLVED, that the Mayor, on behalf of the City of Troy send a copy of this resolution to appropriate officials of the Golub Corporation and the owners of the Troy Plaza expressing to each of them the interest and sense of the City Council.

Approved as to form, December 23, 2002

Patrick T. Morphy, Corporation Counsel

**RESOLUTION NO. 7 PASSED – UNANIMOUS**

**To Mayor, 01/06/03 for Executive Action – Approved, Returned 1/16/03**

SEE SUPPORT DOCUMENTATION WITH LEGISLATION